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MCC:JJT:mel:2001V00126

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,  
Plaintiff

v.

:  
:  
:  
: Civil No. 1:CV-00-2143  
: (McClure, J.)  
: (Blewitt, M.J.)

JAKE MENDEZ;  
JESUS "JESSE" GONZALEZ;  
JAMES "JIMMY" SCARBOROUGH; and  
KELLY M. KEISER,  
Defendants

**FILED**  
WILLIAMSPORT, PA

SEP 27 2001

MARY E. D'ANDREA, CLERK  
Per *KF*  
DEPUTY CLERK

**MOTION FOR LEAVE TO DEPOSE PLAINTIFF  
PURSUANT TO FED. R. CIV. P. 30(a)(2)**

Defendants Mendez, Gonzalez, Scarborough, and Keiser, ask the Court for leave to take plaintiff's deposition pursuant to Fed. R. Civ. P. 30(a)(2) as the plaintiff is confined in prison. A brief in support of this motion has been filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

MARTIN C. CARLSON  
United States Attorney

*Joseph J. Terz*  
JOSEPH J. TERZ *WPS*  
Assistant U.S. Attorney  
MICHELE E. LINCALIS  
Paralegal Specialist  
316 Federal Building  
240 West Third Street  
Williamsport, PA 17703

Date: September 27, 2001

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,	:
Plaintiff	:
	:
v.	:
	: Civil No. 1:CV-00-2143
	: (Rambo, J.)
JAKE MENDEZ;	:
JESUS "JESSE" GONZALEZ;	:
JAMES "JIMMY" SCARBOROUGH; and	:
KELLY M. KEISER,	:
Defendants	:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

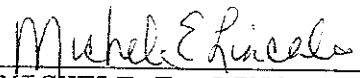
That this 27, day of September, 2001, she served a copy of the attached

MOTION FOR LEAVE TO DEPOSE PLAINTIFF  
PURSUANT TO FED. R. CIV. P. 30(a)(2)

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

ADDRESSEE:

John Charles Kenney  
Reg. No. 05238-041  
U.S. Penitentiary  
P.O. Box 3000  
White Deer, PA 17887

  
MICHELE E. LINCALIS  
Paralegal Specialist

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,  
Plaintiff

v.

JAKE MENDEZ;  
JESUS "JESSE" GONZALEZ;  
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KELLY M. KEISER,  
Defendants

:  
:  
:  
: Civil No. 1:CV-00-2143  
: (McClure, J.)  
: (Blewitt, M.J.)  
:  
:  
:

O R D E R

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2001,  
upon consideration of defendants' motion to depose the inmate  
plaintiff pursuant to Fed. R. Civ. P. 30(a)(2), **IT IS HEREBY**  
**ORDERED THAT** the motion is granted. Defendants, by their  
counsel, may take the deposition of plaintiff, John Charles  
Kenney, at a place and time suitable to the Bureau of Prisons.

\_\_\_\_\_  
THOMAS M. BLEWITT  
United States Magistrate Judge